



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office
2370 South 2300 West
Salt Lake City, Utah 84119

3809
U-77761
(UT-023)

APR 15 2004

Certified Mail Number 7002 2030 0002 9663 8729
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DECISION

Mr. Lon Thomas	:	
Star Stone Quarries, Inc.	:	43 CFR 3809
4040 South 300 West	:	Surface Management
Salt Lake City, UT 84107	:	Notice of Noncompliance and
	:	Suspension of Operations

Notice of Noncompliance and Suspension of Operations for Dumping Hydraulic Oil onto Public Lands, for Burning Trash and Debris, for the Unauthorized Containment and Disposal of Human Wastes, and for Failure to Comply with Your Submitted Plan of Operations and Stipulations

On May, 2001, this office approved your Plan of Operations (Plan) to conduct quarrying and stockpiling operations on your White and Sage Green quarries located on the Rosebud #1 and #2 placer mining claims (UMC 354975-354976). Both quarries are located in the W $\frac{1}{2}$ of Section 14, T. 10 N., R. 16 W.

On March 25, 2004, an inspection of your operation was conducted by this office. During this inspection, it was revealed that you have been burning trash adjacent to the pallet storage area, adjacent to a small travel trailer. Also found at this site were two one-gallon containers of unknown liquid that had been burned, then removed from the scorched ground and are currently laying about 10 feet from the burn area. These vessels may contain hazardous waste. Adjacent to the trailer, was a one-gallon container and a five-gallon bucket with a quantity of unknown yellow liquid, possibly urine. Within the topsoil stockpile, located east of the main access road that extends north-south through the mine site, was a 55 gallon barrel of hydraulic fluid, leaking its contents onto the topsoil stockpile. In addition, a full 55 gallon barrel of hydraulic fluid and a full 55 gallon barrel of 15W-40 weight motor oil were discovered laying on their side within the topsoil stockpile area. At the time of the inspection, these barrels were not leaking material onto the ground.

In your submitted Plan, you stated that you would contain all "Deleterious Material", including fuel and barrels of motor oil and hydraulic fluids within the confines of a 600 gallon "retention tank." It is obvious that you have not complied with this portion of your submitted Plan.

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DIV. OF OIL, GAS & MINING

In addition, you are in violation of the following Stipulations of your Plan approval:

- #4. The operator's proposal to burn trash "in a cleared area on site" is not authorized. Any trash or other wastes must be regularly removed from the quarry areas and disposed of in an authorized disposal facility, not on Public Land.
- #9. The proponent shall maintain the site free of trash and refuse at all times during operations and at the termination of project activities.
- #10. No hazardous material (other than that listed by the operator in the proposed action) shall be stored or disposed of on-site. Petroleum spills of one-half quart or more will be immediately cleaned up and properly disposed of. For larger spills, the operator must contact the Salt Lake Field Office within 24 hours so that BLM hazardous material clean up policies and procedures are complied with.
- #13. During active operations, the operator is required to place a portable chemical toilet at the mine site and/or in the seasonal camp to handle human wastes. The portable chemical toilet must be regularly maintained and the contents of which shall not be allowed to overflow or be discharged onto or be buried on Public Lands. The operator is not authorized to erect a pit toilet, outhouse, or any other structure for use in handling this human waste. If chemical toilets are present within either or both of the two temporary trailers at the seasonal camp, all human wastes must be disposed of properly, and not be allowed to overflow or be discharged onto or be buried on Public Lands.

Your activities related to the leaking of hydraulic oil onto the ground, the burning of trash and debris adjacent to the trailer, the mis-placement of the barrel of hydraulic fluid and motor oil and the possible storage and dumping of human waste adjacent to the Sage Green Quarry are causing unnecessary or undue degradation to Public Lands, for which you are hereby being issued a Notice of Noncompliance.

On April 4, 2001, this office issued you a Notice of Noncompliance for similar unauthorized activities. At that time, you were notified that operators who have been issued a Notice of Noncompliance and fail to initiate the actions required to correct the noncompliance may be ordered to suspend all or part of their operation or may have their Plan revoked. Because your activities on the mine site are causing a second phase of unnecessary or undue degradation to Public Lands, we are hereby suspending your Plan of Operations for the Rosebud quarry areas.

In order to remove yourself from Noncompliance status and be able to resume mining and milling activities on the Rosebud placer mining claims, within 30 days of receipt of this letter you must complete the following:

1. Hire a third-part contractor to excavate all of the soil that has been affected in any way by the hydraulic oil spill and dispose of it in an appropriate waste facility or land fill, not on Public Lands. This requirement is non-negotiable. Any attempt to clean up the site

yourself will result in a permanent suspension of operations at the site. The BLM must be shown a paid bill and receipt that has been issued by a recognized and reputable hazardous waste containment company before any mining operations can continue at the site. Before any clean-up of the site may commence, the BLM must be notified who will conduct the clean-up activities and agree to the clean-up plan beforehand (emphasis added). If the operator does not comply with this requirement, the Plan of Operations may be permanently revoked.

2. Completely remove any human waste that may have been dumped or spilled onto Public Lands or is currently contained in the five-gallon bucket and one-gallon jug adjacent to the travel trailer. The human wastes must be properly disposed of by using an appropriate pumping service or human waste removal company. Before backfilling any pits created for the disposal of human wastes, you must contact this office so that a field inspection of the site can be completed. You are not authorized to bury the solid human wastes on site or anywhere on Public Lands.
3. Move the full 55 gallon barrel of hydraulic fluid and the full 55 gallon fuel storage tank completely from the mine site. Your Plan will remain suspended as long as these materials are located within the mining claim area. Any future use or handling of these fluids at the mine site must be in conjunction with the placement of a 600 gallon retention tank as you stated you would do in your Plan of Operations. The placement of a retention tank to contain these deleterious materials at the mine site will only be authorized after the leaking hydraulic fluid and human wastes are cleaned up as described above at Item #1. Any soils that are affected by spillage of oil or other petroleum products during this move must be excavated and removed from the mining claim area as described in Item # 1.

An appeal from this decision may be taken to the State Director, Utah State Office, BLM, in accordance with the provisions in Title 43 of the Code of Federal Regulations (CFR) Subpart 3809.4. If an appeal is taken, the notice of appeal must be filed in this office at 2370 South, 2300 West, Salt Lake City, Utah, 84119 within thirty (30) days from receipt of this decision.

Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director from this office. The appeal to the State Director must contain: 1) the name and mailing address of the appellant; 2) when applicable, the name of the mining claim(s) and serial number(s) assigned to the mining claim(s) recorded pursuant to Section 3833 of this title which are subject to appeal; and 3) a statement of reasons for appeal and any arguments the appellant wishes to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department, as it affects the mining claim(s). No appeal, protest, or petition for reconsideration will be entertained from this decision after the appeal period has expired.

If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

Glenn A. Carpenter
Glenn A. Carpenter
Field Office Manager

Allen
Acting

cc: ✓ D. WAYNE HEDBERG
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